

LAW OFFICE OF
JUSTIN A. ZELLER, P.C.

MEMO ENDORSED

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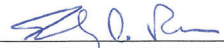
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February 3, 2022

VIA ECF

Hon. Edgardo Ramos, United States District Judge
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse

The Court having granted an extension of discovery, Doc. 34, this motion is now moot. The Clerk of Court is respectfully requested to terminate the motion, Doc. 33. SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: February 4, 2022
New York, New York

Re: *Garcia et al v. 3662 Broadway Restaurant Corp. et al*, 19 CV 8297 (ER)

Dear Judge Ramos:

This firm represents the plaintiff in the above-referenced action. Plaintiff moves pursuant to Local Civil Rule 37.2 for a conference in anticipation of moving pursuant to Rule 37(a)(3)(B)(iii)–(iv) of the Federal Rules of Civil Procedure for defendants’ failure to respond to plaintiff’s interrogatories and request for production of documents. Plaintiff also will move pursuant to Rule 37(d)(1)(A) for sanctions for defendant’s failure to appear at deposition. Plaintiff has separately filed the notice of deposition and discovery demands.

Plaintiff makes this motion to preserve plaintiff’s right to move to compel and move for sanctions because the discovery deadline is currently February 4, 2022. The parties have moved for an extension of tomorrow’s discovery deadline. Presuming that motion is granted, plaintiff will withdraw this request for a Local Civil Rule 37.2 conference.

Defendants have stated that they will work with plaintiff to perform their discovery obligations, defendants’ counsel currently has Covid and is quarantining and therefore was unable to respond to discovery demands this week.

I thank the Court for its time and attention to this matter.

Respectfully submitted,



John M. Gurrieri